

Message Text

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DRAFTED BY L/EA:PMNORTON:MAD

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FM SECSTATE WASHDC

TO AMCONSUL PORT MORESBY

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E.O.11652: NA

TAGS: PGOV, PP

SUBJ: ESTABLISHING NOTARY PUBLICS IN PNG

REF: PORT MORESBY 0395

1. FOLLOWING INFO ON NOTARY PUBLICS IN THE U.S. IS IN
RESPONSE TO PNG INQUIRIES VIA CONGEN.

2. NOTARY PUBLICS IN THE U.S. OPERATE UNDER AND ARE
GOVERNED BY STATE LAW (EXCEPT CONSULAR OR MILITARY NPS).
COMMON LAW ONCE DETERMINED THIS AREA OF THE LAW AND STILL
HAS IMPACT ON PARTICULAR QUESTIONS, BUT NEARLY EVERY STATE
NOW REGULATES ITS NOTARY PUBLICS BY STATUTE.

3. NPS NORMALLY RECEIVE A COMMISSION FROM THE GOVERNOR.
THIS IS, HOWEVER, ALMOST ENTIRELY PRO FORMA. ACTUAL
APPOINTMENTS ARE AUTHORIZED BY SUBORDINATE LOCAL OFFICIALS,
E.G., STATE SENATORS OR COUNTY JUDGES. UNLESS THERE ARE
STATUTORY LIMITS ON THE NUMBER OF NPS, THIS AUTHORITY MAY
ALSO BE A MERE FORMALITY. NORMALLY AN APPLICANT NEED ONLY
DEMONSTRATE TO THE CLERK OF A LOCAL COURT HIS KNOWLEDGE OF
THE POSITION'S DUTIES AND A LACK OF A CRIMINAL RECORD AND
PAY A NOMINAL FEE TO BE COMMISSIONED.

4. MOST NPS PERFORM FUNCTIONS IN CONNECTION WITH OTHER
JOBS, E.G., BANKS, LAW FIRMS, BROKERAGE HOUSES, ETC.
THEY ARE REMUNERATED ENTIRELY BY THEIR PRIVATE EMPLOYERS

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AND PERFORM NP FUNCTIONS AS A CONVENIENCE FOR THOSE
EMPLOYERS. MOST LOCAL GOVERNMENTS ALSO PROVIDE NPS
FOR NOTARIZATION OF PUBLIC DOCUMENTS.

5. TENURE IS NORMALLY FOR A FIXED TERM, E.G., FOUR YEARS.
RENEWAL, HOWEVER, IS VIRTUALLY AUTOMATIC. NPS MAY, LIKE
OTHER PUBLIC OFFICERS, BE REMOVED QUOTE FOR CAUSE UNQUOTE
DURING THEIR TENURE.

6. MORE DETAILED INFO, INCLUDING COPY OF MARYLAND LAW
AS EXEMPLARY BEING POUCHED. KISSINGER

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